

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Lorrain Boone
Credit and Compliance Manager
Smoothstone IP Communications
200 Smoothstone Center
401 S. Fourth Street
Louisville, KY 40202

Re: Smoothstone IP Communications
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012368

Dear Ms. Boone:

This letter is in response to your request dated December 2, 2009, on behalf of Smoothstone IP Communications ("Smoothstone") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that Smoothstone's payment for FY 2009 regulatory fees was not paid when due (*i.e.*, September 22, 2009), thus Smoothstone was assessed a late payment penalty of \$1,129.25. For the reasons below, we deny your request for waiver.

In support of your request, you state that Smoothstone "paid our bill on 9.22.09" and that "we mailed our check on 9.22.09."¹

It is the obligation of licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.² The Commission's rules provide that a timely payment of a regulatory fee is one received at the Commission's lockbox bank by the due date, which for FY 2009 was September 22, 2009.³ The Commission, however, did not receive payment of Smoothstone's regulatory fees until September 30, 2009.

We find therefore that Smoothstone failed to meet its obligation to timely pay its FY 2009 regulatory fees and that the *Waiver Request* presents no extraordinary circumstances that would warrant waiver of the late payment penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against Smoothstone for late payment of its FY 2009 regulatory fees.

¹ *Waiver Request*.

² See 47 U.S.C. § 159(c)(1) ("The Commission shall prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner").

³ 47 C.F.R. § 1.1164.

Lorrain Boone
Credit and Compliance Manager
Smoothstone IP Communications
Page 2

Payment of the \$1,129.25 penalty is now due. The payment should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", with a stylized flourish at the end.

Mark Stephens
Chief Financial Officer

Enclosure

Sherry Elkheshin

From: ARINQUIRIES
Sent: Wednesday, December 02, 2009 3:56 PM
To: Sherry Elkheshin
Subject: FW: Penalty being charged and we mailed our check on 9.22.09
Attachments: FCC Form 159 payment made.pdf

12368

Stephen M. French
Protiviti Government Services
OMD-Financial Operations
Office: 2-A629
Direct Line: 202-418-1878
Fax: 202-418-7869

From: Lorrain Boone [mailto:lboone@smoothstone.com]
Sent: Wednesday, December 02, 2009 3:02 PM
To: ARINQUIRIES
Subject: Penalty being charged and we mailed our check on 9.22.09

0909309084381004A

Good afternoon,

We have a "red flag" on our account and when I called today to explain that I sent the proof, etc. on 11.02.09 and ask the agent that answered the phone to check and see if my email had been received, they informed me that the email address was incorrect however that is the address that was given to me on 11.02.09 and the email did not come back as "un-deliverable".

I am re-sending this with the same paperwork to show the payment was sent, etc.

Please advise receipt of this and also a waiver of the penalty to remove the "red flag".

Regards,

Lorrain Boone
Credit and Compliance Manager

Smoothstone

IP Communications

502.618.5526 Phone
502.618.5570 DirecFax
502.608.7047 Mobile
lboone@smoothstone.com

200 Smoothstone Center
401 S. Fourth Street
Louisville, KY 40202

www.smoothstone.com

12/2/2009

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 14 2010

OFFICE OF
MANAGING DIRECTOR

✓

Mr. Brad Howard
WNST Sports Media
1550 Hart Road
Baltimore, MD 21286

Re: Station WNST(AM)
Fiscal Year 2009 Regulatory Fee
Fee Control No. 1003019088234002

Dear Mr. Howard:

This is in response to your request dated February 2, 2010 (*Request*), on behalf of WNST Sports Media, licensee of Station WNST(AM), for waiver of the penalty for late payment of fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$2,625.00 FY 2009 regulatory fee, but not the \$875.00 late payment penalty. For the reasons set forth below, we deny your request.

You state that you "received notification of [the bill] . . . on . . . Monday, January 25th, 2010."¹ You assert that WNST Sports Media has always maintained a good standing with the FCC."²

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.³ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁴ WNST Sports Media paid the regulatory fee on March 1, 2010, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation.

¹ *Request* at 1.

² *Id.*

³ 47 U.S.C. §159(c)(1).

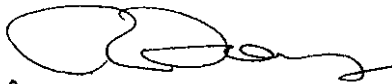
⁴ See 47 C.F.R. §1.1164, and see *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September 2009 Public Notice*), *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009*, *Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009), and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

The Commission takes care to inform its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁵

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁶ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fee for WNST Sports Media.

Payment of the \$875.00 penalty is now due. The penalty should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure

⁵ *Id.*

⁶ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Jack Lotsof, President
Stereo 97, Inc.
276 Nassau Avenue
Buffalo, New York 14217

Re: Stereo 97, Inc.
Request for Waiver of FY 2009 Regulatory Fees
Fee Control No.: 0909219084985120

Dear Mr. Lotsof:

This letter responds to your request dated September 18, 2009 (*Waiver Request*), on behalf of Stereo 97, Inc. (Stereo 97) for a waiver of the Fiscal Year (FY) 2009 regulatory fees for Station KAVV(FM) and booster station KAVV-FM1 on the basis of financial hardship. Our records reflect that you have paid the \$650.00 and \$400.00 FY 2009 regulatory fees for Stations KAVV(FM) and KAVV-FM1, respectively, for a total of \$1,050.00. For the reasons set forth below, we grant your request.

You state that in its fiscal year ended June 30, 2009, Stereo 97, whose sole business is KAVV, lost money on a cash basis, disregarding depreciation on equipment.¹ You say that you are the sole owner of Stereo 97 and that you are on a fixed retirement income.² You state that only one of the licensee's three corporate officers received compensation for his work and that he is also the station's highest-paid employee.³ In support of your request for waiver, you submit a financial document entitled "Stereo 97, Inc.: Statement of Revenues, Expenses and Deficit – Cash Basis" (*Financial Statement*), which reflects Stereo 97's revenues and expenses for the corporation's fiscal year ending June 30, 2009.⁴

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of

¹ *Request* at 1.

² *Id.* at 2.

³ *Id.*

⁴ We note that the *Financial Statement* also reflects as a separate matter Stereo 97's revenues and expenses for the corporation's fiscal year ending June 30, 2008.

financial hardship."⁵ In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals and deductions for depreciation or amortization are considered funds available to pay the fees.

Our review of the record, including Stereo 97's *Financial Statement*, indicates that Stereo 97 suffered an operating loss in the year ending June 30, 2009, and that this deficit was only partially offset by the salary paid to one officer and a deduction for depreciation. Accordingly, in light of your compelling showing of financial hardship, your request for waiver of the FY 2009 regulatory fees is granted. Although you do not request review of the Office of Managing Director's (OMD's) decision denying your request for reconsideration of its decision denying your request for waiver of the FY 2007 regulatory fees for Station KAVV(FM) and booster station KAVV-FM1,⁶ we find that the arguments raised below are the same that you raise here⁷ and therefore do not provide sufficient grounds for relief.

You have requested confidential treatment of the materials that you submitted with your fee waiver and reconsideration requests. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

A check made payable to the maker of the original check, and drawn in the amount of \$1,050.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁵ See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

⁶ See letters from Mark Stephens, Chief Financial Officer (CFO), Office of Managing Director (OMD), FCC, to Jack Lotsof (dated May 7, 2009 (denying petition for reconsideration) and Nov. 21, 2007 (denying request for waiver)).

⁷ See *Request* at 2-3.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 14 2010

OFFICE OF
MANAGING DIRECTOR

David Robinson
Regulatory Affairs Director
Syniverse Technologies, Inc.
8125 Highwoods PalmWay
Tampa, FL 33647-1776

Re: Syniverse Technologies, Inc.
Fiscal Year 2009 Regulatory Fee
Fee Control No. 0911039088109001

Dear Mr. Robinson:

This is in response to your request dated October 20, 2009 (*Request*), Syniverse Technologies (Syniverse) for waiver of the penalty for late payment of the fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$16,628.00 regulatory fee, but not the \$4,157.00 late payment penalty. For the reasons set forth below, we deny your request.

You state that in June of 2009, you contacted the Commission requesting assistance associated with Syniverse's regulatory fee invoice.¹ You assert that Syniverse was not notified by Commission staff of the process changes associated with the filing of regulatory fees.² You allege that if Commission staff had properly instructed Syniverse as to the processing changes in June of 2009, Syniverse would have made a timely filing.³

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.⁴ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory

¹ *Request* at 1.

² *Id.*

³ *Id.*

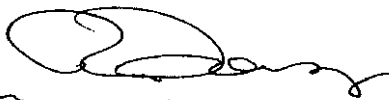
⁴ 47 U.S.C. §159(c)(1).

fees are due for the year.⁵ You paid the regulatory fee for Syniverse on November 3, 2009, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation. The Commission informs its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission timely released several public notices (including the *September Public Notice*) and news releases informing licensees of the new filing requirement and the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁶

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁷ You have not presented any circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the FY 2009 regulatory fees for Syniverse.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark Stephens
Chief Financial Officer

⁵ See 47 C.F.R. §1.1164; and see *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10311 (2009); *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September Public Notice*); *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009); and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

⁶ See *supra*.

⁷ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

09/1039088/09001

Page 2 of 2

12558

From: David Robinson
Sent: Tuesday, October 20, 2009 8:51 AM
To: FCCINFO@fcc.gov
Subject: Accts Receivable Dispute - Syniverse Technologies

To Whom It May Concern:

Syniverse Technologies, Inc. hereby disputes the late charges listed on the attached invoice. In June, 2009, Syniverse called the FCC asking for our assistance associated with our invoice for regulatory fees. Syniverse was not notified by FCC staff of the process changes associated with the filing of FCC regulatory fees. We believe that if we had been properly instructed in June 2009 of process changes associated with Regulatory Fee filings, we would have made a "timely" filing.

Syniverse is disputing the "late fee charges" because we do not believe that the FCC provided appropriate instructions related to regulatory fee process changes. Syniverse is processing payment of our regulatory fees. However, we respectfully request the FCC to waive the "late fee charges" because we were not adequately instructed in June, 2009 of the process changes.

Please do not hesitate to contact me if you require any additional information. I appreciate your kind consideration in this matter.

Sincerely,

David Robinson
Regulatory Affairs Director
Syniverse Technologies, Inc.
8125 Highwoods Palm Way
Tampa, FL 33647-1776
Office: +1 813.637.5940
Fax: +1 813.637.5731
Mobile: +1 813.317.1802

.....
David Robinson | Regulatory Affairs Director
+1 813.637.5940 office | +1 813.317.1802 mobile
Syniverse Technologies | Simplifying complexity. Delivering possibilities.
david.robinson@syniverse.com | www.syniverse.com

.....
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1/6/2010

Syniverse is disputing the "late fee charges" because we do not believe that the FCC provided appropriate instructions related to regulatory fee process changes. Syniverse is processing payment of our regulatory fees. However, we respectfully request the FCC to waive the "late fee charges" because we were not adequately instructed in June, 2009 of the process changes.

Please do not hesitate to contact me if you require any additional information. I appreciate your kind consideration in this matter.

Sincerely,

David Robinson

Regulatory Affairs Director

Syniverse Technologies, Inc.

8125 Highwoods Palm Way

Tampa, FL 33647-1776

Office: +1 813.637.5940

Fax: +1 813.637.5731

Mobile: +1 813.317.1802

.....
.....

David Robinson | Regulatory Affairs Director

+1 813.637.5940 office | +1 813.317.1802 mobile

Syniverse Technologies | Simplifying complexity. Delivering possibilities.

1/6/2010

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 14 2010

OFFICE OF
MANAGING DIRECTOR

Mr. Brad Nordheimer
Teleconferencing Services, LLC
4066 Chancery Ct., N.W.
Washington, D.C. 20007

Re: Teleconferencing Services, LLC
Fiscal Year 2009 Regulatory Fee
Fee Control No. 0910309088092002

Dear Mr. Nordheimer:

This is in response to your request dated October 21, 2009 (*Request*), filed on behalf of Teleconferencing Services, LLC (TS) for waiver of the penalty for late payment of the fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$2,959.00 FY 2009 regulatory fee, but not the \$739.75 late payment penalty. For the reasons set forth below, we deny your request.

You state that TS provides teleconferencing services to businesses.¹ You assert that you “were not aware that there was an FCC Regulatory Fee.”² You say that the Commission’s Interstate Telecommunications Service Providers Regulatory Fees Fact Sheets since 2003 do not indicate that teleconferencing service providers such as TS are required to pay regulatory fees.³ You state that although TS “received invoices from entities collecting for NANP, TRS and LNP[,] . . . we have received confirmation from each of them that they have received the exemption update on our account from USAC.”⁴

In *Assessment and Collection of Regulatory Fees for Fiscal Year 2009*, 24 FCC Rcd 10301, 10303 (2009) (*2009 Report and Order*), the Commission stated that audio bridging service providers (*i.e.*, providers of toll teleconferencing services) “are included in th[e Wireline (Common Carrier) Services] category [subject to regulatory fees].”⁵ As

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See also *2009 Report and Order* at fn. 64 (“[a]udio bridging services are toll teleconferencing services”); 47 C.F.R. §1.1154; Regulatory Fees Fact Sheet, What You Owe – Interstate Telecommunications Service Providers (ITSP) for FY 2009 (Sept. 2009) (“Telecommunications providers that are subject to the ITSP fee typically identify themselves on FCC Form 499-A filings using one or more of the following categories . . . [including] Other Local and Other Toll Service Providers”).

a provider of toll teleconferencing services, TS is subject to a FY 2009 regulatory fee. Although you suggest that TS is exempt from fees related to local number portability, North American Numbering Plan Administration, and telecommunications relay services, you provide no evidence to support a conclusion that TS is exempt from the regulatory fees under section 1.1162 of the Commission's rules, 47 C.F.R. §1.1162.

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.⁶ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁷ TS paid the regulatory fee on October 30, 2009, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation. The Commission informs its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁸

The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."⁹ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fee.

⁶ 47 U.S.C. §159(c)(1).

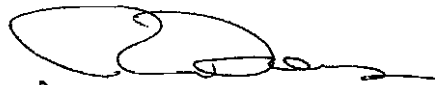
⁷ See 47 C.F.R. §1.1164, and see *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September 2009 Public Notice*), *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009*, *Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009), and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

⁸ *Id.*

⁹ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Payment of TS's \$739.75 penalty for late payment of the FY 2009 regulatory fee is now due. The late charge penalty should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Stephens', with a stylized flourish at the end.

Mark Stephens
Chief Financial Officer

Enclosure

09/0309088092002

4066 Chancery CT., NW
Washington, DC 20007
202-338-5800 (Office)
202-338-5805 (Fax)

**Teleconferencing
Services, LLC**

Fax

12201

To: Federal Communications Commission **From:** Brad Nordheimer

Fax: 202-418-7869 **Pages:** 3

Phone: **Date:** 10/21/2009

Re: Invoice for Regulatory Fee **CC:** File

RE: THE FCC REGULATORY FEE AND LATE CHARGES:

Dear Sir or Madam,

I am writing to you today to bring to your attention an issue that relates to the Regulatory Fees and Conference Service Providers ("CSP"). My company which provides teleconferences to businesses became aware during the summer of 2008 that the FCC had made a determination based on the InterCall case that all CSP's would be required to contribute to the USF. This entailed filing with the FCC to obtain a FRN# and then filing the various 499 forms (and remit quarterly fees) to USAC to benefit the recipients of the Federal USF.

Since then, we filed on time with the FCC and received FRN #0017972647 and we have also complied with USAC and filed all required forms and made all required payments on a timely basis. We have since received invoices from entities collecting for NANP, TRS and LNP. We wrote a letter (copy attached) the Mr. Chang Hua Chan at USAC on July 10, 2009 which certified our operating status and requested that they inform LNP, NANPA and TRS of our exempt status. Since then, we have received confirmation from each of them that they have received the exemption update on our account from USAC.

I have mentioned all of this as throughout this process in working with FCC (by filing for an FRN#) and then working with USAC (various filings and to sort out our status), we have never been informed that we are also subject to another fee (the "Regulatory Fee"). We are only aware of this as a result of receiving the attached invoice which has a 25% late penalty (\$739.75). Given that we have had no prior relationship to the FCC prior to all of this and that we were not aware that there was an FCC Regulatory Fee, we are asking for your assistance and to waive the late fee. I would also like to understand whether or not our company is meant to be subject to the regulatory fee as my research going back to the July 2003 ITSP Fact Sheet does not indicate anything about CSPs.

Please feel free to contact me at 202-338-5800 or by email at brad@teleconferencing-services.net should you wish to discuss this

Thank you in advance for your kind consideration and assistance.

AUDIO AND VIDEO
TELECONFERENCING SERVICES, LLC
COMMUNICATIONS

July 10, 2009

Mr. Chang-Hua Chen
USAC
2000 L Street, NW
Washington, DC 20036

Dear Mr. Chen:


As we discussed, I hereby certify that Teleconferencing Services, LLC is a stand alone teleconferencing service provider (e.g. we do not sell other services and we are not a carrier, etc.). To further clarify the exact nature of our business, we are a reseller of teleconferencing services, not a direct provider.

As such, I understand that our company should be exempt from remitting the fees related to LNP, NANPA and TRS.

Please confirm your receipt of this letter by calling me at 202-338-5800 or by email at bnordheimer@teleconferencingservices.net. Please do not hesitate to contact me if you need any additional information.

Thank you in advance for your assistance to correct our status regarding these additional fees.

Regards,



Bradley C. Nordheimer
Vice President

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

Approved by OMB
3060-0589

Bill Number	Applicant FAN#	Current Bill Date	FOR INQUIRIES CALL 1-202-418-1995 (Revenue & Receivables Operations Group)			
09RE014371	0017972647	10/15/09				
Application Information: Teleconferencing Services, LLC 4068 Chancery Ct. NW Washington, DC 200072142			Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission Revenue & Receivables Operations Group P.O. BOX 979084 ST. LOUIS, MO 63197-9000			
Total Amount Due		TOTAL AMOUNT DUE MUST BE RECEIVED BY		Due Date		
\$3,698.75				9/22/09		
Payer FAN No.		Please Complete The Payer Information, FCC Registration Number (FRN) is required				
Payer Name (if paying by credit card enter name as it appears on the card)						
Address Line No. 1						
Address Line No. 2						
City		State		Zip Code		
Daytime Phone Number (include area code)						
Reason For Bill:						
FY 2009 Regulatory Fees						
Call Sign/Other FCC ID	Payment Type Code	Quantity	Fee Due For (PTC)	Total Fee	FCC Code 1	FCC Code 2
827255	0 9 7 2	865103	.00342	\$ 2,959.00	865103	0
	0 9 9 9	0		\$ 739.75		
TOTAL DUE \$3,698.75						
Please choose a method of Payment and complete the section if paying by Credit Card						
Payment Method:						
Credit Card <input type="checkbox"/> Check <input type="checkbox"/> Wire <input type="checkbox"/> IPAC <input type="checkbox"/> MIPR <input type="checkbox"/>						
MASTERCARD <input type="checkbox"/> DISCOVER <input type="checkbox"/> VISA <input type="checkbox"/> AMEX <input type="checkbox"/>						
Account No.					Expiration Date	
<div style="border: 1px solid black; width: 100%; height: 20px;"></div>					<div style="border: 1px solid black; width: 100%; height: 20px;"></div>	
					Month	Year
I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.						
AUTHORIZED SIGNATURE			DATE			

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO ENSURE PROPER CREDIT

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Kathy Conner, Controller
Telephone Associates, Inc.
329 Grand Avenue
Superior, WI 54880

Re: Telephone Associates, Inc.
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012129

Dear Ms. Conner:

This letter is in response to your request dated October 2, 2009, on behalf of Telephone Associates, Inc. ("Telephone Associates") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that Telephone Associates' payment for FY 2009 regulatory fees was not paid when due (*i.e.*, September 22, 2009), thus Telephone Associates was assessed a late payment penalty of \$868.75. For the reasons below, we deny your request for waiver.

In support of your request, you state that you were unaware that the payment was due, and that "Telephone Associates has had employee turnover, and with no written notice of payment due it is unrealistic that I should know to check the website."¹

While the Commission takes care to inform licensees of due dates, amounts of the fees, and payment methods in public notices and fact sheets, the Commission has repeatedly and consistently held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."²

For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009 due date for filing regulatory fees and posted these notices on its website, www.fcc.gov.³ Moreover, the Commission determined in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10308-09 (2009), that it would no longer mail pre-bills via surface mail to licensees such as Telephone Associates. That decision, which was released on July 31, 2009, adopted without change a proposal announced by the Commission in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Notice of Proposed Rulemaking*, 24 FCC Rcd 5966, 5972-73 (2009), which was released on May 14,

¹ *Waiver Request*.

² See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

³ See, e.g., *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009*, *Eastern Time (ET)*, 24 FCC Rcd 10890 (Aug. 21, 2009); *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893 (Aug. 21, 2009); *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513 (Sept. 2, 2009).

Kathy Conner, Controller
Telephone Associates, Inc.
Page 2


2009. As such, the modifications to the notification procedures to which the *Waiver Request* refers were proposed more than four months and adopted nearly two months before the due date for filing the FY 2009 regulatory fees.

It is the obligation of licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.⁴ The Commission's rules provide that a timely payment of a regulatory fee is one received at the Commission's lockbox bank by the due date, which for FY 2009 was September 22, 2009.⁵ The Commission, however, did not receive payment of Telephone Associates' regulatory fees until October 2, 2009.

We find therefore that Telephone Associates failed to meet its obligation to timely pay its FY 2009 regulatory fees and that the *Waiver Request* presents no extraordinary circumstances that would warrant waiver of the late payment penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against Telephone Associates for late payment of its FY 2009 regulatory fees.

Payment of the \$868.75 penalty is now due. The payment should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark Stephens
Chief Financial Officer

Enclosure

⁴ See 47 U.S.C. § 159(c)(1) ("The Commission shall prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner").

⁵ 47 C.F.R. § 1.1164.

Sherry Elkheshin

WT# 12129 (10/05/09)

From: Kathy Conner [kconner@TelephoneAssociates.com]

Sent: Friday, October 02, 2009 4:29 PM

To: Sherry Elkheshin

Subject: RE: [NEWSENDER] - FW: NOTICE OF WITHHOLDING OF ACTION - 143032067 - Message is from an unknown sender

09/0029084884562

Ms. Elkheshin,

I am requesting that the 25% penalty on Form 159 be waived as I was not aware that this was due. Telephone Associates has had employee turnover, and with no written notice of payment due it is unrealistic that I should have know to check the website. I have made the necessary reminders in my calendar, so I am aware of the procedures and will not miss the next year's filings.

I have paid by credit card today, when I first became aware that a payment was due. I would be happy to discuss this further, either via email or you can reach me at my direct line: (715) 395-6168

Thank you for your consideration,

Kathy Conner
Controller
Telephone Associates, Inc.
(715) 395-6168
kconner@telephoneassociates.com

From: Sherry Elkheshin [mailto:Sherry.Elkheshin@fcc.gov]

Sent: Friday, October 02, 2009 1:28 PM

To: Kathy Conner

Subject: [NEWSENDER] - FW: NOTICE OF WITHHOLDING OF ACTION - 143032067 - Message is from an unknown sender

Mr O'Conner,

Your tracking number is 12129. As soon as I receive your e-mail request, I will forward it to the correct party.

From: Sherry Elkheshin

Sent: Friday, October 02, 2009 2:03 PM

To: 'kconner@TelephoneAssociates.com'

Subject: FW: NOTICE OF WITHHOLDING OF ACTION - 143032067

From: Sherry Elkheshin

Sent: Friday, October 02, 2009 1:56 PM

To: 'kconnor@TelephoneAssociates.com'

10/5/2009

Subject: FW: NOTICE OF WITHHOLDING OF ACTION - 143032067

Ms O.Connor,

This bill is for unpaid 2009 regulatory fees. They are a yearly payment from your 499A form.

From: ARINQUIRIES

Sent: Friday, October 02, 2009 1:40 PM

To: Sherry Elkheshin

Subject: FW: NOTICE OF WITHHOLDING OF ACTION - 143032067

Stephen M. French
Protiviti Government Services
OMD-Financial Operations
Office: 2-A629
Direct Line: 202-418-1878
Fax: 202-418-7869

From: Kathy Conner [mailto:kconner@TelephoneAssociates.com]

Sent: Friday, October 02, 2009 1:08 PM

To: ARINQUIRIES

Subject: RE: NOTICE OF WITHHOLDING OF ACTION - 143032067

Please advise to what is past due. I have not received an invoice. Was an invoice mailed or e-mailed? We have had employee turnover, and if an invoice was emailed it is possible that it was to an old employee. USAC sent this notice to Joe Mattison, who is no longer employed with Telephone Associates. I am now the controller, and hope with your help to rectify this situation.

Thank you,

Kathy Conner
Controller
Telephone Associates, Inc.
kconner@telephoneassociates.com
(715) 395-6168

From: CustomerService@bcd.universalservice.org [mailto:CustomerService@bcd.universalservice.org]

Sent: Friday, October 02, 2009 11:08 AM

To: Joe Mattison

Subject: NOTICE OF WITHHOLDING OF ACTION - 143032067



Universal Service Administrative Company
Billing, Collections & Disbursement Department
For billing inquiries call (888) 641-8722

10/5/2009

Date:10/02/2009

Joseph C Mattison

329 Grand Avenue

Superior, WI 54880

SPIN:143032067

NOTICE OF WITHHOLDING OF ACTION

As required by 47 C.F.R. § 1.1910(a)(1), we have reviewed our accounting records and determined that as of 10/02/2009, you or an entity sharing the same Taxpayer Identification Number (391141987) is delinquent on the payment of a debt owed to the Federal Communications Commission (FCC):

<u>Bill Number</u>	<u>Amount</u>	<u>Entity Name</u>	<u>Debtor FCC Registration Number (FRN)</u>
09RE012293	3475	Telephone Associates Inc	0004331492
	0	Telephone Associates, Inc.	0018540278

Pursuant to 47 C.F.R. § 1.1910(b), a disbursement for your SPIN in the amount of (\$1926.19) is currently being withheld by USAC. No

further payments will be made until the debt is fully satisfied and/or arrangement has been made to pay the delinquent debt. If no payment is made within 30 days of the date of this letter, any pending applications and requests for benefits may be dismissed.

Please be advised that any additional applications or requests for benefits from the FCC or its reporting components, including but not limited to support from the Universal Service Fund, payments from the Telecommunications Relay Services Fund, or the issuance of telephone numbers from the North American Numbering Plan Administrator, will be reviewed to determine if any delinquent debts are outstanding.

If you have any questions regarding the nature of the debt owed to the FCC, please contact them in writing or send an email using the information below:

Address:
Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 - 12th Street S.W., Room 1-A821
Washington, DC 20554

E-mail: ARINQUIRIES@fcc.gov

Sincerely,

USAC Billing, Collections & Disbursements Department

10/5/2009

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 22 2010

OFFICE OF
MANAGING DIRECTOR

Mei Stanford
Director of Accounting
Telscape Communications, Inc.
606 E. Huntington Drive
Monrovia, CA 91016

Re: Telscape Communications, Inc.
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. 0910029084329001

Dear Mr. Stanford:

This letter is in response to your request dated October 15, 2009, on behalf of Telscape Communications, Inc. ("Telscape") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that Telscape's FY 2009 regulatory fees were not paid when due (*i.e.*, September 22, 2009), thus Telscape was assessed a late payment penalty of \$13,701.50. For the reasons below, we deny your request for waiver.

In support of your request, you state that "the person responsible for ensuring the timely filing of the FCC annual regulatory fee was affected by a reduction in force towards the end of 2008," "[a]s soon as Telscape became aware of the delinquent payment, the check was processed immediately and provided to the FCC," and "Telscape has since been proactive to set up an annual automatic reminder to ensure that this isolated incident will not repeat in the future."¹

Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.² The Commission's rules provide that a timely payment of a regulatory fee is one received at the Commission's lockbox bank by the due date, which for FY 2009 was September 22, 2009.³ The Commission, however, did not receive Telscape's FY 2009 regulatory fees until October 29, 2009.

We find therefore that Telscape failed to meet its obligation to timely pay its FY 2009 regulatory fees and that the *Waiver Request* presents no extraordinary circumstances that would warrant waiver of the late payment penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against Telscape for late payment of its FY 2009 regulatory fees.

¹ *Waiver Request*.


² See 47 U.S.C. § 159(c)(1) ("The Commission shall prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner").

³ 47 C.F.R. § 1.1164.

Mei Stanford
Director of Accounting
Telscape Communications, Inc.
Page 2

Payment of the \$13,701.50 penalty is now due. The payment should be submitted, together with a Form-159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark Stephens
Chief Financial Officer

Enclosure

Received & Inspected

12239

OCT 20 2009

FCC Mail Room



09/002908432900/

Mei Stanford
Director of Accounting
Telscape Communications, Inc.
606 E. Huntington Drive
Monrovia, CA 91016
Direct Line: (626) 415-1506

October 15, 2009

09/002908432900/

Federal Communications Commission
Office of the Managing Director
445 12th Street
Southwest Room 1-A 625
Washington D.C., 20554

ATTN: Regulatory Fee Waiver/Reduction Request

Re: Company: Telscape Communications, Inc.
FRN: 0005040522

Dear Sir or Madame:

Telscape Communications, Inc. ("Telscape") respectfully submits this letter for your consideration in the hopes of receiving a fee waiver for the late penalty assessment in the amount of \$13,701.50 for failure to pay the regulatory fee assessment on or before September 22, 2009. (Please see enclosed copy). Telscape is a small competitive carrier that has been adversely affected in recent years by the failing economy, steady decline in wireline consumers and increased competition in the telecom marketplace. Unfortunately all of these factors necessitated two separate reductions in the company work force in order to remain vital. More importantly, the person responsible for ensuring the timely filing of the FCC annual regulatory fee was affected by a reduction in force towards the end of 2008. As soon as Telscape became aware of the delinquent payment, the check was processed immediately and provided to the FCC on DATE. Telscape records show that the payment draft cleared on 10/01/09. Additionally, Telscape has since been proactive to set up an annual automatic reminder to ensure that this isolated incident will not repeat in the future.

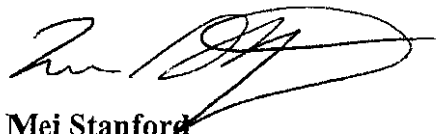
It is Telscape's understanding that in the past the FCC would provide carriers with a bill for the annual regulatory fee but that this year, the FCC changed its practice and stopped providing said invoice. Telscape fully understands its responsibility to provide all required forms and payments in a timely manner and regrets that this isolated incident resulted in such a hefty penalty assessment, but the reality of the company's current financial situation is that the budget cannot handle such a significant impact. Telscape is currently in a turn around mode and is hopeful to see a turn around in the coming year but the late penalty assessment of \$13,701.50 will have a severe affect if we have to pay.

In light of the above information, Telscape respectfully requests a one time, special consideration and that the above referenced late penalty assessment in the amount of \$13,701.50 be fully waved in order to allow the company to continue to operate and avoid financial hardship. Thank you in advance for your time and your consideration. Telscape appreciates the opportunity to explain the circumstances surrounding the oversight in payment.

Please do not hesitate to contact me directly if you have any additional questions.

Very truly yours,

TELSCAPE COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read 'Mei Stanford', with a large, sweeping flourish extending to the right.

Mei Stanford
Director of Accounting

